

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MICHAEL PALMASON AND JUDITH
FIEST Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

WEYERHAEUSER COMPANY,
WEYERHAEUSER ASSET MANAGEMENT
LLC, MORGAN STANLEY, PATRICIA M.
BEDIENT, ANNE E. GIARDINI,
JEANNE M. HILLMAN, STEPHEN M.
MARGOLIN, JEFFREY W. NITTA,
PETER W. SHERLAND, THOMAS M.
SMITH, SALIM SHARIFF, RICHARD J.
TAGGART AND JOHN AND JANE
DOES 1-20,

Defendants.

Case No. 2:11-cv-00695 RSL

**STIPULATION AND ORDER
SETTING REVISED BRIEFING
SCHEDULE ON THE
WEYERHAEUSER DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINT**

**NOTE ON MOTION CALENDAR:
Tuesday, January 15, 2013**

I. INTRODUCTION

1. Plaintiffs Michael Palmason and Judith Fiest, Individually and On Behalf of All Others Similarly Situated ("Plaintiffs") filed their Second Amended Complaint on August 23, 2012 (Dkt. 144).

2. Defendants Weyerhaeuser Company, Weyerhaeuser Asset Management LLC

(“WAM”), Patricia M. Bedient, Anne E. Giardini, Jeanne M. Hillman, Stephen M. Margolin, Jeffrey W. Nitta, Peter W. Sherland, Thomas M. Smith, Salim Shariff, and Richard J. Taggart (collectively, the “Weyerhaeuser Defendants”) filed their Motion to Dismiss Plaintiffs’ Second Amended Complaint on October 4, 2012 (Dkt. 158).

3. Pursuant to the Revised Stipulation and Order Setting Briefing Schedule on the Weyerhaeuser Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint (“Stipulated Briefing Schedule”) (Dkt. 171), Plaintiffs filed their opposition to the Weyerhaeuser Defendants’ motion to dismiss on December 19, 2012 (Dkt. 180) and included a declaration from their expert actuary, Ian Altman (Dkt. 183).

4. In the Stipulated Briefing Schedule, the Parties agreed that each party would be permitted, at its option, to depose any expert or actuary who submitted a declaration in connection with that motion and Plaintiffs would be entitled to submit a sur-reply.

5. In order to accommodate the schedules of counsel and Plaintiffs’ expert, the Parties have agreed that the Weyerhaeuser Defendants may take Mr. Altman’s deposition on January 29, 2013.

6. Based on the foregoing, Plaintiffs and the Weyerhaeuser Defendants, through their undersigned counsel, submit this Stipulation and Proposed Order Setting Revised Briefing Schedule on the Weyerhaeuser Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint and stipulate as follows:

II. STIPULATION

1. Plaintiffs will make Mr. Altman available for deposition on January 29, 2013 and Defendants will depose Mr. Altman on January 29, 2013 (unless another date is jointly agreed

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upon by counsel).

2. The Weyerhaeuser Defendants will file their reply papers in support of their motion to dismiss no later than February 12, 2013.

3. The parties agree that Plaintiffs should be permitted to file a sur-reply of six pages no later than March 8, 2013, and the motion to dismiss will be noted for March 8, 2013.

4. Consistent with the previous stipulated briefing schedule (Dkt. 171), in the event that Defendants attach an expert or actuarial declaration to their reply:

(a) Defendants will make each expert or actuary available for deposition on a date mutually agreed upon by Defendants and Plaintiffs. Plaintiffs sur-reply brief will be filed no later than 14 days of completing the deposition(s); but the 14 days shall not include February 18 to 24; and

(b) On or before March 5, 2013, Plaintiffs and the Weyerhaeuser Defendants will submit a revised schedule with a corresponding new Noting Date by filing a new Stipulation and Proposed Order.

5. Nothing in this Stipulation and Proposed Order shall be construed as an admission that expert opinion is relevant to the proper disposition of the Weyerhaeuser Defendants' motion to dismiss.

DATED this 15th day of January, 2013.

KELLER ROHRBACK L.L.P.

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III. ORDER

IT IS SO ORDERED.

DATED this 18th day of January, 2013.



Robert S. Lasnik
United States District Judge